

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB-3 (Sub-No. 98X)

MISSOURI PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--
IN ST. LOUIS COUNTY, MO (CARONDELET BRANCH)

Decided: April 18, 1997

Missouri Pacific Railroad Company (MP) filed a notice of exemption under 49 CFR 1152 Subpart F--*Exempt Abandonments* to abandon a 6.2-mile line of railroad between milepost 15.8, near Billman Spur, and milepost 22.0, near Broadway Junction, in St. Louis County, MO. A notice of exemption was served and published in the *Federal Register* on February 28, 1992 (57 FR 6853). The exemption became effective on March 29, 1992.

On March 27, 1992, a decision and notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. 1247(d), was served reopening the proceeding and establishing a 180-day period for Gateway Trailnet, Inc. (Gateway) to negotiate an interim trail use/rail banking agreement with MP for the entire 6.2-mile line.¹

By petition filed on April 9, 1997, Union Pacific Railroad Company (UP)² requests that the Board reopen the proceeding to partially vacate the NITU. UP states that Gateway has agreed to reconvey to UP approximately 1,100 feet of the right-of-way and trackage extending between milepost 21.79 and milepost 22.0 for reinstitution of rail use. UP indicates that there is an active shipper, Soemm, Inc., located on the switch at milepost 22.0, and UP needs the additional track beyond the switch to allow for adequate "tail" room to spot rail cars at the shipper's facilities. UP states that the track was not removed after conveyance of the property for trail use, and continued railroad operations are necessary over the track to adequately serve the shipper. It requests that the partial vacation of the NITU be made effective on May 1, 1997.

UP has complied with the requirements of 49 CFR 1152.29(d)(2) regarding a request to vacate the NITU. Therefore, this proceeding will be reopened and the partial vacation of the NITU will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The NITU served on March 27, 1992, is vacated with respect to the line segment between milepost 21.79 and milepost 22.0 in St. Louis County, MO.
3. This decision is effective on May 1, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

¹ The negotiating period was subsequently extended by decisions served October 6, 1992, and December 9, 1992. The parties reached a trail use agreement which was consummated effective December 30, 1992.

² Missouri Pacific Railroad Company was merged into UP on January 1, 1997.

